

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

§
THE STATE OF MISSOURI, and §
§
THE STATE OF TEXAS, §
§
Plaintiffs, § Case No. 7:21-cv-00420
§ (formerly No. 6:21-cv-00052)
§ (consolidated with No. 7:21-cv-00272)
v. §
§
JOSEPH R. BIDEN, JR., in his official §
capacity as President of the United §
States of America, *et al.*, §
§
Defendants. §

**[PROPOSED] ORDER GRANTING PLAINTIFF STATES' MOTION FOR
INJUNCTION PENDING APPEAL**

Before the Court is Plaintiff States' opposed Motion for Injunction Pending Appeal. Fed. R. App. P. 8(a)(1)(C). After due consideration of the Motion, the evidence presented, and the applicable law, the Court finds that the relevant factors weigh in favor of an injunction pending appeal. *See, e.g., Whole Woman's Health v. Jackson*, 13 F.4th 434, 441 (5th Cir. 2021) (per curiam).

It is therefore **ORDERED** that Plaintiff States' Motion for Injunction Pending Appeal is **GRANTED**.

It is hereby **ORDERED** that:

1. Defendants and all their respective officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them are hereby **ENJOINED**, on a nationwide basis,

from enforcing and implementing the January 20 Proclamation, as applied to the Department of Homeland Security Appropriations Act of 2020, P.L. 116-93, 133 Stat. 2511, Div. D, § 209(a)(1), (b), during the pendency of Plaintiff States' appeal.

2. Defendants and all their respective officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them are hereby **ENJOINED**, on a nationwide basis, from enforcing and implementing the January 20 Proclamation, as applied to the Department of Homeland Security Appropriations Act of 2021, P.L. 116-260, 134 Stat. 1182, Div. F, § 210, during the pendency of Plaintiff States' appeal.
3. Defendants are **ORDERED** to enforce and implement the "construction of barrier system along the southwest border" *in good faith* during the pendency of Plaintiff States' appeal.
4. This injunction shall remain in effect pending a final resolution of the merits of this case or until a further Order from this Court, the United States Court of Appeals for the Fifth Circuit or the United States Supreme Court.

SO ORDERED.

_____, 2021.

Hon. Micaela Alvarez
United States District Judge